

Calendar No. 432

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
105-222 }

AFRICAN ELEPHANT CONSERVATION ACT REAUTHORIZATION

JUNE 25, 1998.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public
Works, submitted the following

REPORT

[To accompany S. 627]

The Committee on Environment and Public Works, to which was referred the bill (S. 627), to reauthorize the African Elephant Conservation Act, having considered the same, reports favorably thereon and recommends that the bill do pass.

GENERAL STATEMENT

BACKGROUND

The African elephant (*Loxodonta africana*)—along with its Asian counterpart (*Elephas maximus*), the largest land animal on the planet—once inhabited most of the continent. However, the population has declined over the centuries as a result of ivory trade, habitat loss, human population expansion, and desertification. By about 1600, the elephant was extirpated from northern Africa, and since then, population decline and habitat loss has continued throughout sub-Saharan Africa. However, it wasn't until the 1970's and 1980's that elephant populations declined precipitously, due primarily to poaching for their ivory tusks. The numbers are stark: between 1979 and 1987, the population of African elephants plummeted from approximately 1.3 million to less than 700,000. Since then, the population has continued to decline, to approximately 540,000 elephants in 1996.

Responding to this decline, Congress enacted the African Elephant Conservation Act (P.L. 100-478, 16 U.S.C. 4201 et seq.) on October 7, 1988. This law provided a framework and authority for the President to institute a moratorium on the importation of ivory

into the United States, and it established a fund to provide financial assistance for projects for research, conservation, management and protection of African elephants.

Shortly after enactment of the law, on June 6, 1989, President Bush prohibited the import of all ivory into the United States. This action served, in large part, as the impetus for the decision by the Parties to the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) to place the African elephant on Appendix I, which triggered a prohibition on all commercial trade in products derived from the species. This international ban took effect in January 1990. Almost immediately, the price of ivory, trade in ivory, and poaching of elephants all decreased.

The African Elephant Conservation Act has provided funding for 60 projects in 19 countries across Africa since its enactment. In total, \$6.8 million in Federal funds have been obligated for these projects, matched by approximately \$15.8 million in non-Federal funds. With more than 300 project proposals totaling more than \$240 million received by the Secretary since enactment, demand far exceeds current funding. Although the law provides that the Secretary may use three percent of the Federal funds appropriated for administrative costs, actual administrative costs are less than one percent. These figures underscore the effectiveness, efficiency and overall success of the law.

A primary reason for the law's success stems from its emphasis on small grants that: can be awarded quickly; focus on diverse, field-level conservation projects; emphasize cooperation with the governments of range nations; and utilize matching funds. The results in some areas have been dramatic. For example, funding in 1990 for a project by the Central African Republic and the World Wildlife Fund provided resources to support the establishment of a reserve in that country. At that time, in one area of the reserve, only carcasses were evident; today, more than 2,000 elephants use the same area. Funding for an anti-poaching program in Senegal has allowed a genetically valuable population of elephants to increase after years of decline. The financial assistance program has served as a model for conservation of imperiled species overseas, including the recently enacted Asian Elephant Conservation Act of 1997 and the Rhinoceros and Tiger Conservation Act of 1994.

The moratorium on ivory imports into the United States imposed under the Act, and the conservation projects funded by the Act have taken on added importance in light of recent actions by the Parties to CITES. Over U.S. opposition, the Parties voted in June 1997 to downlist from Appendix I to Appendix II elephant populations in Botswana, Namibia and Zimbabwe, and to allow limited trade in certain products derived from elephant populations in those countries. The United States opposed the decision, believing that the resumption of commercial trade in ivory would pose unacceptable risks to elephant populations elsewhere in the continent from poaching and illegal trade.

OBJECTIVES AND SUMMARY OF THE LEGISLATION

The bill reauthorizes the African Elephant Conservation Act through 2002. Section 1 amends section 2306 of the African Ele-

phant Conservation Act by authorizing appropriations through fiscal year 2002. The authorized level of appropriations remains unchanged at \$5 million each year.

HEARINGS

The Committee held a hearing on S. 627 on November 4, 1997. Testimony was given by: Senator James M. Jeffords of Vermont; Congressman Jim Saxton of the third district of New Jersey; Marshall P. Jones, Assistant Director for International Affairs, Fish and Wildlife Service; Ginette Hemley, Director for International Wildlife Policy, World Wildlife Fund; Dr. John W. Grandy, Senior Vice President, The Humane Society of the United States; and Dr. Stuart A. Marks, Director for Research and Community Development, Safari Club International.

REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes an evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the Committee finds that this bill would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

LEGISLATIVE HISTORY

S. 627 was introduced by Senator Jeffords and referred to the Committee on Environment and Public Works on April 22, 1997. H.R. 39, the African Elephant Conservation Reauthorization Act of 1997, was received from the House of Representatives and referred to the Committee on April 24, 1997. On May 21, 1998, the Committee held a business meeting to consider both bills. Both S. 627 and H.R. 39 were favorably reported out of the Committee by voice vote.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of a reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 1998.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 627, the African Elephant Conservation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 627, A bill to reauthorize the African Elephant Conservation Act, as ordered reported by the Senate Committee on Environment and Public Works on May 21, 1998.

Summary

S. 627 would reauthorize, through fiscal year 2002, annual appropriations to the African Elephant Conservation Fund at the existing authorization level of up to \$5 million. The current authorization expires on September 30, 1998. The Secretary of the Interior uses this fund primarily to help finance research and conservation programs overseas. From its inception in 1991 through 1997, the fund has spent a total of nearly \$8 million in appropriated and donated funds.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 627 would result in additional discretionary spending of \$20 million over the 1999-2003 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 627 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of State, local, or tribal governments.

Estimated Cost to the Federal Government

The authorization level specified by the bill is the same as the current authorization but about \$4 million higher than annual appropriations have been since this program's inception.

For purposes of this estimate, CBO assumes that the entire amounts authorized by S. 627 will be appropriated for each of fiscal years 1999 through 2002. Outlay estimates are based on historical spending patterns for this program. The estimated budgetary impact is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

By fiscal year, in millions of dollars

	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	1	0	0	0	0	0
Estimated Outlays	1	0	0	0	0	0
Proposed Changes:						
Authorization Level	0	5	5	5	5	0
Estimated Outlays	0	3	4	5	5	3
Spending Under S. 627:						
Authorization Level ¹	1	5	5	5	5	0
Estimated Outlays	1	3	4	5	5	3

¹The 1998 level is the amount appropriated for that year.*Pay-As-You-Go Considerations:* None.

Intergovernmental and Private-Sector Impact: S. 627 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of State, local, or tribal governments.

Previous CBO Estimate: On April 17, 1997, CBO transmitted a cost estimate for H.R. 39, the African Elephant Authorization Act of 1997, as ordered reported by the House Committee on Resources on April 16, 1997. The estimated costs of the two bills are identical.

Estimate Prepared by: Deborah Reis (226–2860).

Estimate Approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: existing law as proposed to be omitted is enclosed in **[bold brackets]**; new matter proposed to be added to existing law is printed in *italic*; and existing law in which no change is proposed is shown in roman.

UNITED STATES CODE—TITLE 16—CONSERVATION

CHAPTER 62—AFRICAN ELEPHANT CONSERVATION

SUBCHAPTER III—MISCELLANEOUS

* * * * *

§ 4245. Authorization of appropriations

There are authorized to be appropriated to the Fund and to the Secretary a total of not to exceed \$5,000,000 for each of **[fiscal years 1992, 1993, 1994, 1995, 1996, 1997, and 1998]** *fiscal years 1997, 1998, 1999, 2000, 2001, and 2002* to carry out this chapter, to remain available until expended.